



House of Representatives

General Assembly

File No. 409

February Session, 2016

Substitute House Bill No. 5466

House of Representatives, April 4, 2016

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS
FOR HOUSEHOLD MEMBERS OF A FAMILY CHILD CARE HOME AND
PROVIDING CHILD CARE FOR ASSISTANCE RECIPIENTS
ENROLLED IN APPROVED HIGHER EDUCATION PROGRAMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 19a-87b of the 2016 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective from passage*):

4 (c) The commissioner, within available appropriations, shall require
5 each initial applicant or prospective employee of a family child care
6 home in a position requiring the provision of care to a child, including
7 an assistant or substitute staff member and each household member
8 who is sixteen years of age or older, to submit to state and national
9 criminal history records checks. The criminal history records checks
10 required pursuant to this subsection shall be conducted in accordance
11 with section 29-17a. The commissioner shall also request a check of the

12 state child abuse registry established pursuant to section 17a-101k. The
13 commissioner shall notify each licensee of the provisions of this
14 subsection. For purposes of this subsection, "household member"
15 means any person, other than the person who is licensed to conduct,
16 operate or maintain a family child care home, who resides in the
17 family child care home, such as the licensee's spouse or children,
18 tenants and any other occupant.

19 Sec. 2. Subsection (a) of section 19a-87e of the 2016 supplement to
20 the general statutes is repealed and the following is substituted in lieu
21 thereof (*Effective from passage*):

22 (a) The Commissioner of Early Childhood may (1) refuse to license
23 under section 19a-87b, as amended by this act, a person to own,
24 conduct, operate or maintain a family child care home, as defined in
25 section 19a-77, (2) refuse to approve under section 19a-87b, as
26 amended by this act, a person to act as an assistant or substitute staff
27 member in a family child care home, as defined in section 19a-77, or (3)
28 suspend or revoke the license or approval or take any other action that
29 may be set forth in regulation that may be adopted pursuant to section
30 19a-79 if the person who owns, conducts, maintains or operates the
31 family child care home, the person who acts as an assistant or
32 substitute staff member in a family child care home, [or] a person
33 employed in such family child care home in a position connected with
34 the provision of care to a child receiving child care services or a
35 household member, as defined in subsection (c) of section 19a-87b, as
36 amended by this act, who is sixteen years of age or older and resides
37 therein, has been convicted, in this state or any other state of a felony,
38 as defined in section 53a-25, involving the use, attempted use or
39 threatened use of physical force against another person, or has a
40 criminal record in this state or any other state that the commissioner
41 reasonably believes renders the person unsuitable to own, conduct,
42 operate or maintain or be employed by a family child care home, or act
43 as an assistant or substitute staff member in a family child care home,
44 or if such persons or [a person residing in the household] a household
45 member has been convicted in this state or any other state of cruelty to

46 persons under section 53-20, injury or risk of injury to or impairing
47 morals of children under section 53-21, abandonment of children
48 under the age of six years under section 53-23, or any felony where the
49 victim of the felony is a child under eighteen years of age, a violation
50 of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,
51 illegal manufacture, distribution, sale, prescription, dispensing or
52 administration under section 21a-277 or 21a-278, or illegal possession
53 under section 21a-279, or if such person, a person who acts as assistant
54 or substitute staff member in a family child care home or a person
55 employed in such family child care home in a position connected with
56 the provision of care to a child receiving child care services, either fails
57 to substantially comply with the regulations adopted pursuant to
58 section 19a-87b, as amended by this act, or conducts, operates or
59 maintains the home in a manner which endangers the health, safety
60 and welfare of the children receiving child care services. Any refusal of
61 a license or approval pursuant to this section shall be rendered in
62 accordance with the provisions of sections 46a-79 to 46a-81, inclusive.
63 Any person whose license or approval has been revoked pursuant to
64 this section shall be ineligible to apply for a license or approval for a
65 period of one year from the effective date of revocation.

66 Sec. 3. Subsection (c) of section 19a-87e of the 2016 supplement to
67 the general statutes is repealed and the following is substituted in lieu
68 thereof (*Effective from passage*):

69 (c) Any person who is licensed to conduct, operate or maintain a
70 family child care home or approved to act as an assistant or substitute
71 staff member in a family child care home shall notify the commissioner
72 of any conviction of the owner, conductor, operator or maintainer of
73 the family child care home or of any [person residing in the] household
74 member, as defined in subsection (c) of section 19a-87b, as amended by
75 this act, who is sixteen years of age or older, or any person employed
76 in such family child care home in a position connected with the
77 provision of care to a child receiving child care services, of a crime
78 which affects the commissioner's discretion under subsection (a) of this
79 section, immediately upon obtaining knowledge of such conviction.

80 Failure to comply with the notification requirement of this subsection
81 may result in the suspension or revocation of the license or approval or
82 the taking of any other action against a license or approval set forth in
83 regulation adopted pursuant to section 19a-79 and shall subject the
84 licensee or approved staff member to a civil penalty of not more than
85 one hundred dollars per day for each day after the person obtained
86 knowledge of the conviction.

87 Sec. 4. Subsection (a) of section 17b-749 of the 2016 supplement to
88 the general statutes is repealed and the following is substituted in lieu
89 thereof (*Effective July 1, 2016*):

90 (a) The Commissioner of Early Childhood shall establish and
91 operate a child care subsidy program to increase the availability,
92 affordability and quality of child care services for families with a
93 parent or caretaker who (1) is working or attending high school, or (2)
94 receives cash assistance under the temporary family assistance
95 program from the Department of Social Services and is participating in
96 an [approved] education, training or other job preparation activity
97 approved pursuant to subsection (b) of section 17b-688i, as amended
98 by this act, or subsection (b) of section 17b-689d, as amended by this
99 act. Services available under the child care subsidy program shall
100 include the provision of child care subsidies for children under the age
101 of thirteen or children under the age of nineteen with special needs.
102 The Office of Early Childhood shall open and maintain enrollment for
103 the child care subsidy program and shall administer such program
104 within the existing budgetary resources available. The office shall issue
105 a notice on the office's Internet web site any time the office closes the
106 program to new applications, changes eligibility requirements,
107 changes program benefits or makes any other change to the program's
108 status or terms, [provided] except the office shall not be required to
109 issue such notice when the office expands program eligibility. Any
110 change in the office's acceptance of new applications, eligibility
111 requirements, program benefits or any other change to the program's
112 status or terms for which the office is required to give notice pursuant
113 to this subsection, shall not be effective until thirty days after the office

114 issues such notice.

115 Sec. 5. Subsection (b) of section 17b-688i of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective July*
117 *1, 2016*):

118 (b) To the extent permitted under section 17b-688c, the Labor
119 Department shall be responsible for the administration of employment
120 services to recipients of temporary family assistance under the
121 employment services program administered by the Department of
122 Social Services pursuant to section [17-688c] 17b-688c. The
123 employment services provided by the Labor Department shall include
124 appropriate basic education and occupational skills training combined
125 with subsidized or unsubsidized work experience and employment, as
126 deemed appropriate by the Labor Department, and any other
127 programs or services deemed appropriate by the Labor Department, to
128 the extent permitted under state and federal law, including, but not
129 limited to, the following: (1) Employment; (2) work-study, internship
130 or apprenticeship opportunities; (3) adult skills training, including
131 literacy, mathematics and language proficiency with curriculum
132 related to job opportunities and job search skills; (4) occupational skills
133 training; (5) case management and counseling in successful work skills;
134 (6) attendance at a two or four-year college or university in pursuit of a
135 degree to increase employability; and [(6)] (7) access to state-
136 subsidized child care and transportation, where needed. Services may
137 be provided by existing service providers, including, but not limited
138 to, local or regional boards of education or regional educational service
139 centers that offer adult education programs, community-technical
140 colleges and technical high schools.

141 Sec. 6. Subsection (b) of section 17b-689d of the general statutes is
142 repealed and the following is substituted in lieu thereof (*Effective July*
143 *1, 2016*):

144 (b) To the extent permissible under federal law, the Labor
145 Commissioner, in consultation with the Commissioner of Social
146 Services, [may] shall approve education courses as required

147 employment activities for a recipient of temporary family assistance.
 148 Education courses that may be approved include, but are not limited
 149 to: (1) Two-year or four-year college degree programs, and (2) high
 150 school graduate equivalency degree or basic education programs for
 151 recipients otherwise ineligible to enroll in such programs during their
 152 first twenty weekly hours of required employment activities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-87b(c)
Sec. 2	<i>from passage</i>	19a-87e(a)
Sec. 3	<i>from passage</i>	19a-87e(c)
Sec. 4	<i>July 1, 2016</i>	17b-749(a)
Sec. 5	<i>July 1, 2016</i>	17b-688i(b)
Sec. 6	<i>July 1, 2016</i>	17b-689d(b)

Statement of Legislative Commissioners:

In Section 1(c), "boarders" was replaced with "tenants" for statutory consistency, in Section 4(a), "subsidy" was added after "child care" for accuracy and consistency and in Section 5 "17-688c" was changed to "17b-688c" for accuracy.

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Early Childhood, Off.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 requires background checks for certain individuals for child care provider licensing purposes, which has no fiscal impact as it conforms to current practice.

Section 2 could result in a cost to the Office of Early Childhood (OEC) associated with allowing certain Care4Kids recipients to attend a two or four-year college or university, as an approved employment activity. To the extent this enables Temporary Family Assistance (TFA) recipients to receive Care4Kids benefits longer than they otherwise would have, OEC could experience a cost. For purposes of context, there is an average of 1,244 families in the TFA qualifying group of the Care4Kids program, who receive a benefit of approximately \$680 each month. The actual cost of the bill is dependent on the number of Care4Kids recipients who will attend two or four-year schools, who otherwise would not have remained on the program.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of applicable Care4Kids recipients.

OLR Bill Analysis**sHB 5466*****AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR HOUSEHOLD MEMBERS OF A FAMILY CHILD CARE HOME AND PROVIDING CHILD CARE FOR ASSISTANCE RECIPIENTS ENROLLED IN APPROVED HIGHER EDUCATION PROGRAMS.*****SUMMARY:**

This bill requires any household member age 16 or older who lives in a home that provides child care services to undergo state and national criminal history record checks when the care provider applies to the Office of Early Childhood (OEC) for initial licensure. The bill defines a “household member” as anyone who resides in the family child care home other than the person licensed to provide child care. This includes the licensee’s spouse, children, tenants, or any other occupants.

The bill also allows the OEC commissioner to suspend or revoke the provider’s license, or take other action against the provider, if such household member is convicted anywhere in the United States of (1) certain felonies involving the use or threatened use of physical force, (2) felonies in which the victim was under age 18, or (3) other specified crimes.

Additionally, the bill specifies that the Department of Labor (DOL), in consultation with the Department of Social Services (DSS), has the authority to approve the education activities of temporary family assistance (TFA) recipients, which qualifies them to receive Care 4 Kids child care subsidies. It also requires, rather than allows, DOL and DSS to approve education courses as required employment activities for TFA recipients. By law and unchanged by the bill, such courses may include (1) two- or four-year college degree programs and (2) high school graduate equivalency degree (i.e., GED) or basic education

programs.

The bill also adds attendance at two- or four-year higher education institutions to increase employability to the list of employment services programs that DOL, if the department deems it appropriate, must provide to TFA recipients.

EFFECTIVE DATE: Upon passage, except the Care 4 Kids and TFA provisions take effect July 1, 2016.

HOUSEHOLD MEMBER CONVICTIONS

The bill allows the OEC commissioner to take action against licensed family child care homes when a household member has been convicted of any of the following crimes:

1. a felony involving the use, attempted use, or threatened use of physical force against another person;
2. cruelty to persons;
3. injury or risk of injury to, or impairing the morals of, a child;
4. abandonment of a child under age six;
5. first-degree sexual assault (class B or A felony);
6. first-degree aggravated sexual assault (class B or A felony);
7. sexual assault in a spousal or cohabiting relationship (class B felony);
8. second-degree sexual assault (class C or B felony);
9. first-degree sexual assault (class D or C felony);
10. third-degree sexual assault with a firearm (class C or B felony);
11. fourth-degree sexual assault (class A misdemeanor or class D felony); or

12. the manufacture, distribution, sale, prescription, dispensing, administration, or possession of an illegal substance.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/16/2016)